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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

INSTRUCTIONS FOR HOLDING REFERENDA ON COTTON
AND FIRE-CURED AND DARK AIR-CURED TOBACCO
MARKETING QUOTAS ON THE 1938 CROP

Pursuant to the Agricultural Adjustment Act of 1938

Pursuant to sections 347 and 312 of the Agricultural Adjustment Act of 1938, the Secretary of Agriculture is directed to conduct a referendum by secret ballot of farmers who were engaged in the production of cotton in 1937 and a separate referendum of farmers who were engaged in the production of fire-cured and dark air-cured tobacco in 1937 in order to determine whether they favor or oppose cotton or fire-cured tobacco marketing quotas, as the case may be, with respect to the 1938 crop.

Although the referendum of cotton farmers as well as the referendum of fire-cured and dark air-cured tobacco farmers will be conducted in the community on the same day and at the same place by the same community referendum committee and although the procedure for conducting each referendum is very similar, the referenda are not otherwise related. Separate ballot boxes should be provided in each community where referenda are being held on both cotton and fire-cured and dark air-cured tobacco marketing quotas. It should be clearly understood that a farmer to vote in either one or both of the referenda must be eligible. Cotton marketing quotas are effective if two-thirds or more of the cotton farmers voting in the referendum favor them; likewise fire-cured and dark air-cured tobacco marketing quotas are effective if two-thirds or more of the tobacco farmers voting in the fire-cured and dark air-cured tobacco referendum favor them. The Secretary of Agriculture is directed to proclaim the result of each referendum not later than 45 days after the enactment of the act.

The following forms will be used:

Cotton 201—"Notice—Cotton Marketing Quota Referendum."

Tobacco 207—"Notice—Fire-cured and Dark Air-Cured Tobacco Marketing Quota Referendum."

38-AAA-1-B—"Instructions for Holding Referenda on Cotton and Fire-Cured and Dark Air-Cured Tobacco Marketing Quotas on the 1938 Crop."

Cotton 202—"1938 Cotton Marketing Quota Referendum Ballot."

Tobacco 208—"1938 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Referendum Ballot."

Cotton 203—"Register of Ballots—1938 Cotton Marketing Quota Referendum."

- Tobacco 209—"Register of Ballots—1938 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Referendum."
- Cotton 204—"Community Summary of 1938 Cotton Marketing Quota Ballots."
- Tobacco 210—"Community Summary of 1938 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots."
- Cotton 205—"County Summary of 1938 Cotton Marketing Quota Ballots."
- Tobacco 211—"County Summary of 1938 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots."
- Cotton 206—"State Tabulation of 1938 Cotton Marketing Quota Ballots."
- Tobacco 212—"State Tabulation of 1938 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots."

A. GENERAL INSTRUCTIONS TO COUNTY COMMITTEES

The county committee of the County Agricultural Conservation Association (hereinafter referred to as the county committee) shall be responsible for and in charge of the referendum on marketing quotas for cotton, and wherever applicable, for tobacco, which will be held in the county on Saturday, March 12, 1938, and it shall:

1. Designate a readily accessible place for balloting in each community and give public notice of the time and place for balloting by posting the appropriate notice form at least five days in advance of the voting day in one or more public places within each community. Make use (without advertising expense) of all available agencies of public information, including both the press and the radio, to give farmers in the county full and accurate notice of the day and hours of voting, the precise location of polling places, and the basis of eligibility to vote. Public notice should in all cases be given as soon as practicable after conditions of holding the referendum have been determined but must in every instance be given at least five days in advance of the date of the referendum.

2. Designate in each community three local farmers as members of the community referendum committee to be in charge of holding in the community the referendum on cotton marketing quotas as well as the referendum on fire-cured and dark air-cured tobacco marketing quotas. One of the members shall be designated as chairman of the community referendum committee.

3. Assist each community referendum committee in providing a ballot box for the ballots cast in the referendum on marketing quotas for cotton and a separate ballot box for the ballots cast in the referendum on marketing quotas for fire-cured and dark air-cured tobacco.

4. Furnish each community referendum committee with a list of all the persons (owner-operators, share tenants, tenant-renters, and sharecroppers) in the community who were engaged in the production of cotton during 1937, and also a separate list of those engaged in the production of fire-cured or dark air-cured tobacco in 1937.

5. Deliver to the chairman of each community referendum committee ballot forms, register forms for use by the community referendum committee in tabulating the results in the community, and three or more sets of community summary forms on which to record the summaries of the ballots cast in the community, together with instructions, respecting balloting, keeping the registers, tabulating ballots, and certifying the results.

6. See that all appropriate measures are taken to insure that each referendum is conducted by secret ballot.

7. Convene not later than 8:30 a. m., Monday, March 14, 1938, for the purpose of receiving and tabulating the data from community summaries, using the county summary forms for this purpose. Four copies of each county summary showing the county results shall be prepared and certified, two copies of which shall be sent to the State committee not later than three days after the date of the referenda, one copy of which shall be posted in a conspicuous place in or near the county office, and one copy of which shall be filed in or near the office of the County Agricultural Conservation Association. One copy of each community summary shall likewise be posted in a conspicuous place in or near the county office.

8. Make an investigation in each case of a controversy respecting eligibility of a voter. Where the ballot is found in a sealed envelope marked "Challenged" by the community referendum committee and bearing the voter's name, the eligibility of such person shall first be determined; and if such person is determined to be eligible the envelope shall be opened and the ballot tabulated on the county summary. If it is determined such person was not eligible to vote, the envelope shall remain sealed and shall be preserved with the ballots as provided in paragraph 9.

9. Seal the voted ballots, register sheets, and community summaries for each county in envelopes or packages (marked "Cotton Referendum 1938" or "Fire-Cured and Dark Air-Cured Tobacco Referendum 1938," as the case may be, followed by the name of the county) which shall be kept under lock and key in a safe place under the supervision of the secretary of the County Agricultural Conservation Association for a period of 60 calendar days. If no contest has arisen at the end of such time the ballots shall be destroyed and the community summaries filed in the county office.

10. Make an investigation in cases of dispute regarding the correctness of the summary of the referendum in a community on marketing quotas for either tobacco or cotton. No dispute shall be investigated unless it has arisen within 2 days after the date on which the referendum in question was held. The county committee shall promptly decide the disputed matter and immediately report its findings to the State committee and send by registered mail or deliver in person to the State office all voted ballots, register forms, and community summary sheets involved in the dispute.

B. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

The community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange with the assistance of the county committee for conducting by secret ballot referenda of all eligible cotton and fire-cured

and dark air-cured tobacco farmers tendering ballots within the hours for receiving same.

2. Assist the county committee in giving public notice of the time and place for casting ballots to farmers at least 5 days in advance of the date on which the referenda will be held.

3. Provide a place where each farmer eligible to vote can prepare and cast a ballot without interference and without anyone seeing how he votes.

4. Open the polls not later than 9 a.m. on Saturday, March 12, 1938.

5. See that no device is used whereby any voter's ballot may be identified (except as provided in par. 11 below in the case of a challenged ballot), and instruct each voter to fold his ballot before placing it in the ballot box.

6. Provide ballot boxes where ballots may be deposited. Any container so arranged that ballots cannot be seen or removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks.

7. Hold the referenda in a fair and unbiased manner and explain to eligible farmers making inquiry the procedure to be followed in casting their ballots.

8. Issue in each referendum one ballot to each eligible voter requesting it.

9. See that all appropriate measures are taken to insure that the referenda are conducted by secret ballot.

10. Record on the applicable register of ballots the name and address of each farmer to whom a ballot is issued.

11. Issue in each referendum a ballot to each person who claims a right to vote, even though his right to vote has been challenged by the community referendum committee. Such ballot, after being marked by the challenged voter, shall be placed in a sealed envelope bearing the name of the voter, the notation "Challenged," and the reason for the challenge. The sealed envelope containing the challenged ballot shall be placed in the ballot box and the name of each farmer whose vote is challenged shall be listed at the bottom of the applicable register of ballots.

12. Stop receiving ballots at 7 p. m. on the date of the referenda.

13. Tabulate and record the results on the applicable community summary sheet after closing the polls. The number of challenged ballots cast and sealed in envelopes shall be entered on the applicable community summary sheet in the space provided but should not be entered as being either for or against the marketing quota. If any ballots are found to be mutilated and cannot be entered as being either for or against the marketing quota the number should be entered in the space provided.

14. Sign the registers and community summary forms and certify to their accuracy.

15. Seal the registers and community summary forms, and the unused ballots, in envelopes provided for that purpose and deliver them to the county committee not later than 12 o'clock noon, Monday March 14, 1938. The chairman of the community referendum com-

mittee shall be responsible for the safe delivery of the forms and ballots.

16. Post one copy of each community summary in a conspicuous place at the polls.

C. INSTRUCTIONS TO STATE COMMITTEES

The State committee shall be responsible for and in charge of the referendum in the State and it shall:

1. Summarize on State tabulation forms all county summaries and forward to the applicable regional director, Agricultural Adjustment Administration, Washington, D. C., two certified copies of each summary for the State, not later than 7 days after the day of the referenda. One copy of each such report shall be filed in the State office of the Agricultural Adjustment Administration. Should one sheet for each report prove insufficient for listing the information with respect to all counties in the State, additional copies of each State tabulation form may be used as continuation sheets, in which case the totals should be entered on the last page only.

2. Make an investigation of any report from any county regarding controversies, irregularities, or the correctness of reports of the referendum, not later than seven days after the date of the referendum.

3. Forward to the applicable regional director its findings in such cases.

D. ELIGIBILITY AND GENERAL PROVISIONS

Official and final tabulation of the results of the referenda will be made by the Agricultural Adjustment Administration and the result of the referenda will be announced as soon as the Secretary of Agriculture has determined that such tabulations of the results are correct. State and county committees are at liberty to give out to the press unofficial reports of the total "Yes" and total "No" votes in each referendum in the State or county.

Only farmers who were engaged in the production of cotton in 1937 are eligible to vote in the cotton marketing quota referendum. Likewise, only farmers who were engaged in the production of fire-cured or dark air-cured tobacco in 1937 are eligible to vote in the fire-cured and dark air-cured tobacco marketing quota referendum. The fact that a farmer is eligible to vote in one referendum does not necessarily mean that he is eligible to vote in the other. Any person who shared in the proceeds of the 1937 cotton crop as landowner, operator, share-tenant, or sharecropper shall be considered as engaged in the production of cotton. Likewise, any person who shared in the proceeds of the 1937 fire-cured or dark air-cured tobacco crop as landowner, operator, share-tenant, or sharecropper shall be considered as engaged in the production of fire-cured or dark air-cured tobacco.

No farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in each referendum, even though he may have been engaged in 1937 in the production of cotton or fire-cured or dark air-cured tobacco in two or more communities, counties, or States.

If a community referendum committee determines that a producer residing in the community within the jurisdiction of that committee is eligible to vote by reason of having been a cotton farmer or fire-

cured or dark air-cured tobacco farmer, as the case may be, in 1937 in another community, the committee may issue a ballot form to him and permit him to cast a ballot, provided the committee also determines that such farmer has not previously cast a ballot in another community. If the committee cannot so determine, the committee shall "Challenge" the ballot as heretofore outlined.

There shall be no voting by proxy or agent but a duly authorized officer of a corporation, firm, association, or other legal entity shall be allowed to cast its vote.

In case several persons, such as husband, wife, and children, participated in the production of cotton or fire-cured or dark air-cured tobacco in 1937 under a lease or sharecropping agreement, only the person or persons who signed or entered into the lease or sharecropping agreement shall be eligible to vote.

In the event two or more persons engaged in producing cotton or fire-cured or dark air-cured tobacco in 1937 jointly, in common, or in community, each such person is entitled to vote.

Since marketing quotas are not applicable to cotton, the staple of which is $1\frac{1}{2}$ inches or more in length, a person who was engaged in the production of such cotton in 1937 shall not be eligible to vote unless he was also engaged in the production of cotton in 1937 the staple of which was less than $1\frac{1}{2}$ inches in length.

If the Secretary of Agriculture deems it necessary, any report of any community referendum committee, county committee, or State committee shall be reexamined and rechecked by such persons or agencies as the Secretary may designate and a report to him made thereon.

Done at Washington, D. C., this 18th day of February, 1938. Witness my hand and seal of the Department of Agriculture.



H Wallace
Secretary of Agriculture.

